

JOSEPH P. RUSSONIELLO  
 United States Attorney  
 THOMAS MOORE  
 Assistant United States Attorney  
 Chief, Tax Division  
 DAVID L. DENIER  
 Assistant United States Attorney  
 10th Floor Federal Building  
 450 Golden Gate Avenue, Box 36055  
 San Francisco, California 94102  
 Telephone: (415) 436-6888  
 Fax: (415) 436-6748  
**W. CARL HANKLA** (DCBN 41165)  
 Trial Attorney, Tax Division  
 United States Department of Justice  
 P.O. Box 683, Ben Franklin Station  
 Washington, D.C. 20044  
 Telephone: (202) 307-6448  
 Fax: (202) 307-0054  
 E-mail: [w.carl.hankla@usdoj.gov](mailto:w.carl.hankla@usdoj.gov)

IN THE UNITED STATES DISTRICT COURT FOR THE  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

ALEXANDRE BALKANSKI TRADING  
 PARTNER, LO; AAB & SB, LLC, Tax  
 Matters Partner; ALEXANDRE  
 BALKANSKI, Sole Member-Manager,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

CV 08-002494 SI

STIPULATION TO RESCHEDULE  
 CASE MANAGEMENT CONFERENCE

IT IS HEREBY STIPULATED AND AGREED by the plaintiffs and defendant that the Case Management Conference in this matter should be rescheduled from August 29, 2008 to **September 26, 2008 or later.**

The parties respectfully represent they have good cause for making this request as follows:

1. This case is complex federal tax proceeding. It arises from the Internal Revenue Service's disallowance of millions of dollars of losses the plaintiff partnership claimed on federal

1 tax returns by means of an allegedly abusive tax shelter. See IRS Notice 2002-35  
 2 (identifying “notional principal contract” shelters and warning that “the tax benefits  
 3 purportedly generated by these transactions are not allowable for federal income tax  
 4 purposes”). The IRS also imposed penalties under I.R.C. § 6662. The plaintiffs contend  
 5 that the positions it took on the tax returns were correct and that the IRS erred in imposing  
 6 penalties.

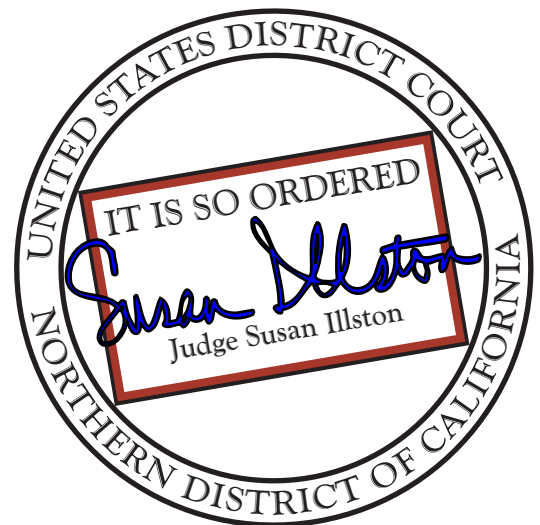
7 2. Government trial counsel with the Justice Department, Tax Division, has not yet obtained  
 8 the IRS administrative files or a defense recommendation from IRS counsel. These  
 9 materials are necessary in order to formulate the United States’ litigating position.

10 3. In order to allow government trial counsel sufficient time to obtain and review the IRS  
 11 administrative files and defense recommendation, the parties previously stipulated  
 12 pursuant to Local Rule 6-1(a) that the United States could have an extension of time  
 13 through September 12, 2008 in which to answer or otherwise respond to the complaint.  
 14 See Stipulation for Extension of Time to Answer, filed July 18, 2008. This extension was  
 15 stipulated before the Court issued its July 24, 2008 Notice scheduling the Case  
 16 Management Conference for August 29, 2008.

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 20 The case management conference is continued to  
 21 10/10/08 at 2:00 p.m. A joint statment must be filed  
 22 one week prior to the conference.



4. Rescheduling the Case Management Conference after the due date of the United States' answer as requested above will be in the interest of judicial economy. The parties will be better prepared to address all of the issues set forth in the Court's Case Management Order, and the Case Management Conference should be more productive as a result.

DATED this 13th day of August, 2008.

JOSEPH P. RUSSONIELLO  
United States Attorney  
THOMAS MOORE  
Assistant United States Attorney  
Chief, Tax Division  
DAVID L. DENIER  
Assistant United States Attorney  
10th Floor Federal Building  
450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102  
Telephone: (415) 436-6888  
Fax: (415) 436-6748

/s/ W. Carl Hankla  
**W. CARL HANKLA** (DCBN 41165)  
Trial Attorney, Tax Division  
United States Department of Justice  
P.O. Box 683, Ben Franklin Station  
Washington, D.C. 20044  
Telephone: (202) 307-6448  
Fax: (202) 307-0054  
E-mail: [w.carl.hankla@usdoj.gov](mailto:w.carl.hankla@usdoj.gov)

DATED this 13th day of August, 2008.

ALEXANDRE BALKANSKI TRADING PARTNER,  
LP; AAB & SB. LLC., Tax Matters Partner,  
ALEXANDRE BALKANSKI, Sole Member-Manager

/s/ Edward M. Robbins, Jr.  
EDWARD M. ROBBINS, JR.  
CHARLES P. RETTIG  
DAVID ROTH  
HOCHMAN, SALKIN, RETTIG, TOSCHER &  
PEREZ, P.C.  
9150 Wilshire Boulevard, Suite 300  
Beverly Hills, CA 90212  
Telephone: (310) 281-3200  
Fax: (310) 859-5129